

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
October 9, 2018
7:30 p.m.

Town Council: Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Diane Harrison; Erecka Gibson; Kara Rodriguez

Staff: Keith Dalton, Town Manager; Christy Dunkle, Planner/Assistant Town Manager; Neil White, Chief; Desiree Moreland, Treasurer, Lisa Larrick, Town Clerk

Press: Mickey Powell, The Winchester Star

1. Call to Order
Mayor Dickinson called the meeting to order at 7:30 p.m.
2. Pledge of Allegiance
3. Approval of Agenda
On motion of Council member Rodriguez, seconded by Council member Gibson, the agenda was approved.

The roll call vote was as follows:

McDonald - Aye
Harrison – Aye
Gibson – Aye
Rodriguez – Aye
Arnold – Aye
Dickinson – Aye
Absent – none

4. Public Hearing

Mayor Dickinson called the Public Hearing to order.

Amendments to Town Charter

The Council of the Town of Berryville proposes to recommend to the Commonwealth of Virginia the amendment of its Charter. The proposed amendments include: updating the description of the corporate limits of the Town to reflect annexations since 1972; changing the title of the Recorder to Vice-Mayor, eliminating the criminal and expulsion punishment for Council interference with staff; eliminating the requirement that the Council meet every month; clarifying the terms which employees are appointed by Council; eliminating antiquated language regarding Town Courts and Town sergeant; clarifying language regarding actions against the Town for damages to conform with the provisions of the Virginia Code; eliminating miscellaneous language regarding Council

action in matters in which the Planning Commission recommends denial and applicability of Town ordinances outside of the Town; updating cross-references to the Code of Virginia; and utilizing gender-neutral language.

There were no public comments. The public hearing was closed.

Mayor Dickinson called the Public Hearing to order.

Amendments to Berryville Code Chapters 1, 2, & 3

Proposed amendments to Chapters 1, 2, & 3 of the Berryville Code. The proposed amendments include: clarifying language regarding designation of an acting town manager; expanding the enumerated Town departments and establishing department head and departmental responsibilities to mirror current administrative structure; reducing the ultimate size of the Planning Commission's membership; eliminating the possibility of administrative staff being appointed to the Planning Commission; eliminating a requirement that a permit be issued for distribution of handbills; updating cross-references to the Code of Virginia; and utilizing gender-neutral language

There were no public comments. The public hearing was closed.

5. Citizens' Forum

Mayor Dickinson recognized Mary Daniel of Tyson Drive and Clarke County Ward 3 Supervisor. Ms. Daniel stated she was not there as a Supervisor but as a citizen. Ms. Daniel stated that there is an issue with trucks on Josephine Street. Ms. Daniel stated that Josephine Street is historic and has unique features. She said that Berryville Graphics has a sign to prevent trucks leaving their facility traveling towards S. Church Street. She stated she was not aware of any two-way truck traffic problems but only one-way truck traffic problems. She stated that it is not VDOT's issue that it is a Town issue. She stated VDOT did suggest putting a sign at S. Church Street restricting trucks over 30 feet. She said the problem seems to stem from the use of the truck drivers' GPS.

Mayor Dickinson recognized Diana Kincannon. Ms. Kincannon stated she was there to update the Town Council on the Barns of Rose Hill. She thanked Mr. Dalton for resolving the suspected humidity and mold problem at the Smithy House. She stated that the art center was ranked as a priority one status by the Virginia Commission for the Arts and received more funding as it fully met the criteria. She updated Council on upcoming programs.

Mayor Dickinson recognized Mary Ivie, town resident. Ms. Ivie stated how blessed they felt to live in Berryville and thanked everyone for keeping an eye on her daughter who is autistic. She said that she is still having drainage problems from storm water and the Town needs to address water flowing onto her property. She stated that the Town needed an updated storm water ordinance.

Mayor Dickinson recognized Jessie Russell, resident of Clarke County. Mr. Russell said he was there because of the issue of truck traffic on Josephine Street. He said that Josephine Street was on the National Historic Register. He said that the railroad traffic had increased at least 3-

fold and that Josephine Street was impacted by this increase more than any other residential area. He said an overpass over the tracks would not occur for 20 years. He said that a sign should be placed at the end of Josephine for no trucks and that truck traffic should not be allowed on Josephine Street.

Mayor Dickinson recognized Dee Dee Liggins of 206 Josephine Street. Ms. Liggins stated that the truck traffic started when they took truck traffic off of Main Street.

6. Consent Agenda

The Consent Agenda was approved, with removal of the Minutes of Regular Meeting of 09/11/18 and removal of Minutes of Community Development Committee of 9/24/18, on motion of Council member Rodriguez, seconded by Council member Harrison. The items approved on the Consent Agenda were:

Minutes of Work Session – 09/05/18

Minutes of Budget and Finance Committee – 08/23/18 & 09/27/18

Minutes of Public Safety Committee – 09/26/18

Minutes of Streets and Utilities Committee – 08/28/18

The roll call vote was as follows:

McDonald - Aye

Harrison – Aye

Gibson – Aye

Rodriguez – Aye

Arnold – Aye

Dickinson – Aye

Absent – none

Mr. Dalton stated the minutes of the regular meeting were being pulled to clarify the issue of whether Mr. Echols had actually stated the Robert Regan Village would employ 90+ people and that it could be discussed later after review of the recording.

7. Report of Patricia Dickinson, Mayor

Mayor Dickinson said she wanted to mention the two projects that are going on. She said one being the Chapter 8 project rewrite for the trash collection policy in the Town code which she knows is a very complex process and has been in the works for quite some time. She said Mr. Dalton has made a commitment to have the approach to the project at the November Public Safety meeting. She said the Town was paying \$1,000.00 monthly collecting trash that should be the responsibility of the business owners and not the tax payers. She said this would be addressed at the November Public Safety meeting. Recorder Arnold asked if this was verified information. Mayor Dickinson stated it was.

Mayor Dickinson said the other project was the proposed Utility Rate Study and Mr. Dalton is moving forward with this one as well. She said the Town has received a list of questions and data they have to gather which will go back to the engineering firm after which it will be approximately 4 months for the report.

Mayor Dickinson made an announcement that on October 18, 2018 at 7:00 p.m. at the VFW that she hosting a Mayor's Forum on the Virginia Department of Housing Administration Granting Freedom program for Veteran benefits.

Mayor Dickinson asked the Clerk to read a resolution honoring the 50th Anniversary of FISH of Clarke County and stated that it would be presented at the FISH anniversary celebration.

Council member Gibson moved that the Council of the Town of Berryville approve the attached resolution recognizing the 50th anniversary of FISH of Clarke County.

Council member McDonald seconded the motion.

The roll call vote was as follows:

**McDonald - Aye
Harrison – Aye
Gibson – Aye
Rodriguez – Aye
Arnold – Aye
Dickinson – Aye
Absent – none**

8. Report of Harry Lee Arnold, Jr., Recorder

Recorder Arnold said that the latest version of utility brochures had been sent out and thanked Heather and all the staff for their hard work. By consensus staff was asked to proceed with distribution of the brochures.

9. Report of Christy Dunkle, Assistant Town Manager/Planner

Ms. Dunkle asked for adoption of a Resolution of Support to allow 20 market-rate units as a part of the 120-unit age and income restricted Robert Regan Village apartment complex currently under review by the Berryville Area Development Authority.

Council member Harrison asked what market rate was being used. Ms. Dunkle stated that these rates were based on median income figures for Clarke County.

Mayor Dickinson asked if there were any other market rate apartments in town. Ms. Dunkle stated she would research her question to see if there were any other market rate apartments.

Recorder Arnold asked about the rent. Ms. Dunkle stated she has not heard any numbers from the developer.

Council member Rodriguez said she did not feel comfortable voting on market rate housing for a development. She stated she was not against the development and not against the project adding that she just didn't feel comfortable taking a vote on this action.

Council member Gibson moved that the Council of the Town of Berryville approve the attached resolution of support to include 20 market rate apartments as part of the Robert

Regan Village on the parcel identified as Tax Map Parcel number 14-((5))-251B, zoned OPR Older Personal Residential.

Council member McDonald seconded the motion.

The roll call vote was as follows:

McDonald – Aye
Harrison – Aye
Gibson – Aye
Rodriguez – Abstain
Arnold – Aye
Dickinson – Aye
Absent – none

10. Report of Keith Dalton, Town Manager

Mr. Dalton presented a resolution requesting adoption of a revised Town Charter and forwarding approved Town Council minutes after the November meeting and a copy of the revised Town Charter to Del. LaRock and Sen. Vogel to be considered by the General Assembly to become effective July, 2019.

Council member Gibson moved that the Council of the Town of Berryville adopt the attached resolution.

Recorder Arnold seconded the motion.

A roll call vote was as follows:

McDonald – Aye
Harrison – Aye
Gibson – Aye
Rodriguez – Aye
Arnold – Aye
Dickinson – Aye
Absent – none

+++++

Mr. Dalton presented a motion to adopt an ordinance repealing and re-adopting Chapters 1, 2, and 3 of the Town Code.

Recorder Arnold moved that the Council of the Town of Berryville adopt the attached ordinance.

Council member Harrison seconded the motion.

A roll call vote was as follows:

McDonald – Aye
Harrison – Aye
Gibson – Aye
Rodriguez – Aye
Arnold – Aye
Dickinson – Aye
Absent – none

+++++

Mr. Dalton presented a motion to adopt an ordinance establishing bonding requirements of \$200,000.00 each for the Town Manager and Town Treasurer.

Council member Harrison moved that the Council of the Town of Berryville adopt the attached ordinance.

Recorder Arnold seconded the motion.

A roll call vote was as follows:

McDonald – Aye
Harrison – Aye
Gibson – Aye
Rodriguez – Aye
Arnold – Aye
Dickinson – Aye
Absent – none

+++++

Mr. Dalton presented a motion to adopt an ordinance establishing the returned check fee of \$50.00. Mayor Dickinson wanted to make sure the timing was right with the code update. Mr. Dalton said that he believed it was.

Council member Harrison moved that the Council of the Town of Berryville adopt the attached ordinance.

Council Member Rodriguez seconded the motion.

A roll call vote was as follows:

McDonald – Aye
Harrison – Aye
Gibson – Aye
Rodriguez – Aye
Arnold – Aye
Dickinson – Aye
Absent – none

+++++

Mr. Dalton said a closed session will likely need to be held at the next meeting regarding litigation.

11. Report of Erecka Gibson - Chair, Budget and Finance Committee

Council member Gibson noted the next Budget and Finance Committee meeting is scheduled for October 18, 2018 at 10:30 a.m.

Council member Gibson moved that the Council of the Town of Berryville approve the attached Bank Account Policy as recommended by the Budget and Finance Committee.

Council Member Rodriguez seconded the motion.

A roll call vote was as follows:

**McDonald – Aye
Harrison – Aye
Gibson – Aye
Rodriguez – Aye
Arnold – Aye
Dickinson – Aye
Absent – none**

+++++

Council member Gibson said that since the bank account policy references the Town Code the Committee should set a reminder to change that section in the policy once and if the Code is changed.

12. Report of Kara Rodriguez - Chair, Community Development Committee

Council member Rodriguez said they had a good meeting last month. She said one of the items they were discussing was the charge of the committee. She added that she had some revisions that she owes the committee and they should be voting on those at the next meeting.

Council member Rodriguez asked Mr. Dalton that given the recent change for Berryville Main Street, what was happening with Hogan's Alley. Mr. Dalton said he did not know the answer, that it was something they were trying to work through. He stated that we would likely have to change our schedule and get it moving in the Spring. Mr. Dalton said he thinks that Berryville Main Street has the bones of a good phase one.

Council member Rodriguez welcomed a new business Hagstone.

Mayor Dickinson stated she wanted to go back to the minutes that were pulled from the Consent Agenda. She stated that she had a question on the second page where there was a discussion about asking Mr. Echols for financial assistance for the sidewalk section on Mosby Boulevard. According to emails she read there was a decision made to contact him but the decision wasn't included in the minutes. Council member Rodriguez said the Committee did talk about sending a letter but the letter has not come before her to sign. Mayor Dickinson said Council needed to

change that aspect of the minutes and Council member Rodriguez agreed. Mr. Dalton asked if this matter would be brought back in November or could they amend on the fly. Mayor Dickinson and Council member Rodriguez were fine with changing the minutes to reflect the decision that was made and approving the minutes.

Council member Rodriguez moved to approve the minutes as amended.

Council Member McDonald seconded the motion.

A roll call vote was as follows:

**McDonald – Aye
Harrison – Aye
Gibson – Aye
Rodriguez – Aye
Arnold – Aye
Dickinson – Aye
Absent – none**

+++++

Council member Rodriguez noted the next Community Development Committee meeting is scheduled for October 22, 2018 at 4:30 p.m.

Mayor Dickinson asked about the discussion of the maintenance of the Page Street median and need for an agreement between the Battletown HOA and the Town. Council Member McDonald explained that the Battletown HOA would take care of anything that was planted in the median and not require the Town to maintain the area. She noted that the HOA expected that it would have to enter into an agreement with the Town.

13. Report of Donna McDonald – Chair Public Safety Committee

Council member McDonald noted the next Public Safety Committee meeting is scheduled for October 24, 2018 at 4:30 p.m.

Council member McDonald stated that Chapter 8 of the Town Code was discussed at length. She stated that Cruise-In went well.

Council member McDonald said that the Committee talked about the FY 2020 items and Chapter 20.

Council member McDonald said that Battletown HOA has lighting and neighborhood watch concerns.

Council member McDonald said the Committee talked about the E-Citation and that the project was nearly complete.

Council member McDonald said that proposed trick or treating hours for Halloween would be on October 31, 2018 between 6:00 p.m. and 8:30 p.m.

Council member Rodriguez asked why the hours could not start at 5:30 p.m. Chief White stated they could but additional overtime would be incurred by Police Department personnel.

Council member Gibson moved that the Council of the Town of Berryville in accordance with §13-38 of the Berryville Code, designate October 31, 2018 between the hours of 6:00 pm and 8:30 pm as the period in which Halloween Trick or Treating may occur within the Town.

Council Member Harrison seconded the motion.

A roll call vote was as follows:

**McDonald – Aye
Harrison – Aye
Gibson – Aye
Rodriguez – Aye
Arnold – Aye
Dickinson – Aye
Absent – none**

+++++

Council member McDonald stated that Mr. Dalton was working on Chapter 8 of the code and confident that he was doing a fine job, but the Council might want to rethink several things they are asking Mr. Dalton to put on his plate and that it was no reflection of Mr. Dalton and his staff.

Council member McDonald said she is concerned what Council is going to do to provide trash collection in a fair and equitable fashion. Council member McDonald said her concern is and has always been the citizens of this town. Council member McDonald reiterated her concerns about passing too much on staff and the need for Town Council to make sure it provided Mr. Dalton time to work on projects that are priorities.

Recorder Arnold said that he concurs with Council member McDonald and said Council needs to decide what they want and give clear direction to staff.

14. Report of Diane Harrison – Chair, Streets and Utilities Committee

Council member Harrison said that the committee did not meet this month and that they are getting responses from the survey sent out with the water bills.

Council member Harrison noted that next meetings for Streets and Utilities would be October 23, 2018 at 5:00 p.m. for an open forum to discuss storm water issues and October 25, 2018 at 7:00 p.m. for budget goals and 7:30 p.m. would be an open forum to discuss storm water issues.

Mayor Dickinson inquired about the open positions at the water treatment facility. Mr. Dalton stated that one position had been filled and was hoping to fill another shortly.

Mayor Dickinson asked that Mr. Tyrrell amend his report so that it did not cut off information. Mr. Dalton said that he would address the matter.

15. Report of Harry Lee Arnold, Jr. – Chair, Personnel, Appointment and Policy Committee
Recorder Arnold noted the next Personnel, Appointment and Policy Committee meeting is scheduled for October 23, 2018 at 9:00 a.m. Recorder Arnold noted that there is an opening on the BADA and an opening on the Tree Board which would be considered.

Recorder Arnold reminded the Council to submit their bios for the website.

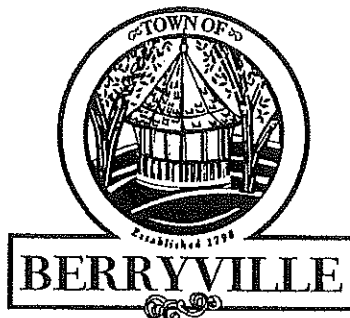
16. Closed Session
No closed session scheduled.

17. Adjourn
There being no other business, upon motion of Council member McDonald, seconded by Council member Rodriguez, the meeting was adjourned at 8:50 p.m.

Harry Lee Arnold, Jr., Recorder

Lisa Larrick, Town Clerk

Town of Berryville
Berryville-Clarke County
Government Center
101 Chalmers Court Suite A
Berryville, VA 22611



[T] 540/955-1099
[F] 540/955-4524
[E] info@berryvilleva.gov

www.berryvilleva.gov

RESOLUTION IN HONOR OF THE 50TH ANNIVERSARY OF FISH OF CLARKE COUNTY

WHEREAS, FISH of Clarke County is a Christian ministry that has changed the lives of our residents-in-need by providing food, clothing, transportation, emergency financial assistance, and integration into the community through the efforts of a committed network of volunteers; and

WHEREAS, FISH has created an opportunity for all residents to participate in and support their mission by accepting monetary donations; clothes and shoes; household items; non-perishable food items; and cleaning products which they then distribute to our neighbors; and

WHEREAS, FISH volunteers improve the lives of our senior citizens and the disabled by assisting them with transportation to medical care, by providing guidance and support through the HelpLine, and by working at the pantry and clothing store; and

WHEREAS, FISH has been serving the residents of Berryville for 50 years and been headquartered in Berryville since 2013; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Berryville recognizes the service provided by FISH of Clarke County to our community and congratulates the organization on 50 years of operation.

By Order of the Council of the Town of Berryville on this the ninth day of October, 2018

Patricia Dickinson, Mayor

Harry Lee Arnold, Jr., Recorder

Patricia Dickinson
Mayor

Harry Lee Arnold, Jr.
Recorder

Council Members

Donna Marie McDonald
Ward 1

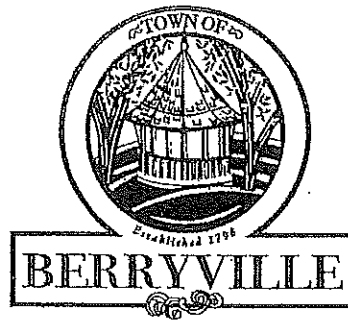
Diane Harrison
Ward 2

Erecka L. Gibson
Ward 3

Kara C. Rodriguez
Ward 4

Keith R. Dalton
Town Manager

Town of Berryville
Berryville-Clarke County
Government Center
101 Chalmers Court Suite A
Berryville, VA 22611



[T] 540/955-1099
[F] 540/955-4524
[E] info@berryvilleva.gov

www.berryvilleva.gov

RESOLUTION OF SUPPORT

WHEREAS, The Council of the Town of Berryville, Virginia, desires to make the determination required by § 36-55.30.2:2.B of the Code of Virginia of 1950, as amended, in order for the Virginia Housing Development Authority to finance the economically mixed project (the "Project") described on Exhibit A attached hereto; and

NOW, THEREFORE, BE IT HEREBY DETERMINED as follows:

1. The ability to provide residential housing and supporting facilities that serve the persons or families of lower or moderate income will be enhanced if a portion of the units in the Project are occupied or held available for occupancy by persons and families who are not of low and moderate income; and
2. Private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe, and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the surrounding area of the Project and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

By Order of the Council of the Town of Berryville on this the ninth day of October, 2018.

Patricia Dickinson, Mayor

Harry Lee Arnold, Jr., Recorder

Patricia Dickinson
Mayor

Harry Lee Arnold, Jr.
Recorder

Council Members

Donna Marie McDonald
Ward 1

Diane Harrison
Ward 2

Erecka L. Gibson
Ward 3

Kara C. Rodriguez
Ward 4

Keith R. Dalton
Town Manager

EXHIBIT A

Robert Regan Village is a proposed new construction multifamily development for seniors with 120 total units. 100 units will be set aside at restricted rent levels for persons with incomes at or below 60% of the Area Median Income. 20 units will have no income restriction and will be leased at market rate.

Address for Robert Regan Village will be 418 Mosby Boulevard, Berryville, Clarke County, Virginia 22611.

Town of Berryville
Resolution
Charter Amendments

WHEREAS, the Berryville Town Council determined that it was appropriate to comprehensively review the Town Charter and propose amendments thereto for adoption by the General Assembly pursuant to § 15.2-202 of the Virginia Code; and

WHEREAS, notice of a public hearing at which citizens had the opportunity to be heard on the proposed amendments was given in accordance with said statute and the public hearing was held on October 9, 2018; and

WHEREAS, the Town Council has determined that amendment of the Town Charter as proposed will be in the interest of the Town and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Berryville Town Council hereby approves a request on behalf of the Town of Berryville that the General Assembly amend its existing Charter in accordance with the proposed amended Charter attached hereto.

BE IT FURTHER RESOLVED that the Town Manager is authorized to sign all correspondence and documents reasonably required to process this request and submit two copies of this resolution, the proposed amended Charter and append certified copies of minutes evidencing the action taken on this matter and the publisher's affidavit evidencing that the public hearing was advertised, to the members of the General Assembly representing the Town.

VOTE:

Ayes:

Nays:

Abstentions:

Absent for Vote

Adopted: October 9, 2018

Patricia Dickinson, Mayor

Harry Lee Arnold, Jr., Recorder

AMENDED AND RESTATED CHARTER OF THE
TOWN OF BERRYVILLE

Established 1798.

Moved from County of Frederick to County of Clarke, 1841.

Incorporation and Charter, 1870, c. 366; repealed, 1898, c. 819.

Charter, 1898, c. 819; repealed, 1971, c. 112.

Charter, 1971, c. 112.

Amended 1972, c. 29 (§ 3.2)

1994, c. 324 (§§ 2.3, 4.2, 7.1, 7.3).

CHAPTER 1.

INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation.--The inhabitants of the territory comprised within the present limits of the town of Berryville, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate to be known and designated as the town of Berryville, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, review or amend at its pleasure by proper ordinance.

§ 1.2. Boundaries.--The corporate boundaries of the town of Berryville shall be as follows:

Beginning at a pipe in the west side of North Buckmarsh Street (U.S. Route No. 340), such point being at the intersection of the west right-of-way line of North Buckmarsh Street and an extension of the north lot line of the Episcopal parsonage; thence along the west right-of-way line of North Buckmarsh Street, N 27° 43' E. a distance of 634.47 feet to a pipe; thence N. 45° 42' W. 2241.36 feet along the rear lot lines on the north side of Walnut Street to a pipe; thence S. 56° 34' 30" W. a distance of 160.38 feet to a pipe; thence S. 45° 45' 30" W. a distance of 4490.77 feet to a pipe in the

orchard of H. F. Byrd, such line crossing West Main Street (Va. Route 7); thence, still through the orchards of H. F. Byrd and other properties, S. 57° 25' E. a distance of feet to a spike in the center line of South Church Street; thence S. 53° 42' E. a distance of 1736.86 feet to a pipe, such line crossing the Norfolk and Western Railway right-of-way; thence along a 13° 13' curve, parallel to the Norfolk and Western Railway, such curve having a tangent bearing of N. 62° 10' E. and a tangent distance of 250.80 feet to a pipe and point of intersection; thence still parallel to the Norfolk and Western Railway N. 49° 03' E. a distance of 2484.97 feet to a point of intersection of a 15° 38' curve, the corporate limits following the curve; thence N. 64° 44' E. a distance of 585.77 feet to a pipe; thence N. 49° 41' W. a distance of 3315.36 feet to a pipe and the place of beginning. (1971, c. 112)

plus the following additions:

Annexation Area A

Adopted 12/29/88

Effective 1/1/89

Acreage 350 acres

Deed Book Reference DB 193 Pg 226

Annexation Area B1

Adopted 11/10/92

Effective 1/1/93

Acreage 7.691 acres

Deed Book Reference DB 227 Pg 779

Annexation Area B2

Adopted 11/9/93

Effective 1/1/94

Acreage 8.965 acres

Deed Book Reference DB 237 Pg 794

Annexation Area B3

Adopted 11/21/95

Effective 1/1/96

Acreage 63.0898 acres

Deed Book Reference DB 258 Pg 156

Annexation Area B4
Adopted 11/11/97
Effective 1/1/98
Acreage 10.5316 acres
Deed Book Reference DB 279 Pg 257

Annexation Area B5
Adopted 11/9/1999
Effective 1/1/2000
Acreage 196.5 acres
Deed Book Reference DB 308 Pg 685

Annexation Area B6
Adopted 11/12/02
Effective 1/1/03
Acreage 114.38 acres
Deed Book Reference DB 364 Pg 501

Annexation Area B7
Adopted 11/9/04
Effective 1/1/05
Acreage 42.2588 acres
Deed Book Reference DB 421 Pg 722

Annexation Area B8
Adopted 11/14/06
Effective 1/1/07
Acreage 41.81 acres
Deed Book Reference DB 472 Pg 284

§ 1.3. Wards.--The town of Berryville shall be divided into four wards. The boundaries of such wards shall be established by the town council by ordinance.

CHAPTER 2.

POWERS.

§ 2.1. General grant of powers.--The town of Berryville shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to

towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation.

§ 2.2. Adoption of certain sections of Code of Virginia.--The powers set forth in §§ 15.2-1100 through 15.2-1133, both inclusive, of Chapter 11 of Title 15.2 of the Code of Virginia, as in force on January 1, 2019, are hereby conferred on and vested in the town of Berryville.

§ 2.3. Eminent domain.--The powers of eminent domain set forth in Chapter 19 of Title 15.2, Title 25.1, and Chapter 10 of Title 33.2 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town of Berryville subject to the provisions of § 25.1-200.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the town. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33.2-1019 to 33.2-1029, inclusive, Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town treasurer.

Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property or interest therein by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the condemnation authority shall be subject to the provisions of § 25.1-200 of the Code of Virginia.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or canceled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town.

CHAPTER 3.

MAYOR, VICE MAYOR, AND COUNCIL.

§ 3.1. Composition of council; qualifications of mayor, vice mayor, and council members -- The town of Berryville shall be governed by a town council composed of the mayor, the vice mayor, and four council members. The mayor, vice mayor, and council members shall be residents and qualified voters of the town. The mayor and vice mayor shall be elected from the town at large. The four council members shall reside one in each ward of the town, but shall be elected by all of the qualified voters of the town.

§ 3.2 Office of vice mayor/office of recorder -- The office of vice mayor shall

become effective on July 1, 2022, and the office of recorder shall remain effective until July 1, 2022.

§ 3.3. Election and term of office of mayor, vice mayor, and council members -- Elections for mayor, vice mayor, and council members shall be held on the first Tuesday in May of each even-numbered year. On the first Tuesday in May, 2020, a mayor and council members from Wards 1 and 3 shall be elected for a term of four years. On the first Tuesday in May, 2022, a vice mayor and council members from Wards 2 and 4 shall be elected for terms of four years.

§ 3.4. When terms of office to begin.--The terms of office for the mayor, vice mayor, and council members shall begin on the first day of July next following their election.

§ 3.5. Oath of office.--The mayor, vice mayor, and council members shall each, before entering upon the duties of their office, make oath or affirmation that they will truly, faithfully, and impartially discharge the duties of their offices to the best of their abilities, so long as they shall continue therein.

§ 3.6. Vacancies in office.--Vacancies in the office of mayor, vice mayor, or council member shall be filled within forty-five days for the unexpired terms by a majority vote of the remaining members of the town council.

§ 3.7. When new election for mayor, vice mayor, or council member required.--If any person who shall have been duly elected mayor, vice mayor, or council member shall not be eligible, as herein prescribed, or shall refuse to take the oath or affirmation required under this Charter within two weeks from the day of the beginning of the term of office, the town council shall declare the office vacant, and shall order a new election for mayor, vice mayor, or council member as the case may be.

§ 3.8. Powers and duties of mayor.-- The mayor shall be a member of the town

council, shall preside over the meetings of the town council, and shall have the same right to speak and vote therein as other members of the town council. The mayor shall be recognized as the head of the town government for all ceremonial purposes, for the purposes of military law, and for the service of civil processes. The mayor shall have no power of veto over the ordinances and resolutions of the town council.

§ 3.9. Powers and duties of vice mayor; vice mayor to act as mayor during absence, disability, etc., of mayor.—The vice mayor shall be a member of the town council and shall have the same right to speak and vote therein as other members of the town council. In the absence from the town, or disqualification, inability, or sickness of the mayor, or during any vacancy in the office of mayor, the vice mayor shall perform the duties of the mayor and be vested with all powers of the mayor. The recorder shall have the powers and duties of the vice mayor as set forth above until July 1, 2022.

§ 3.10. Absence or disability of mayor and vice mayor.—If both the mayor and vice mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time.

§ 3.11. Council a continuing body.—The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred by it, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members.

§ 3.12. General grant of powers to council.—The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers

and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified.

§ 3.13. Meetings of council.--The town council shall fix the time of their regular meetings.. Special meetings may be called at any time by the mayor or by three members of the town council; provided, that all members shall be duly notified a reasonable period of time prior to any special meeting.

§ 3.14. Quorum; reconsideration of action.--Three members of the town council shall constitute a quorum for the transaction of business. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there are as many members of the town council present as were present when such vote was taken.

§ 3.15. Rules of order and procedure.--The town council shall establish its own rules of order and procedure, and may punish its own members and other persons for violations thereof.

§ 3.16. Council to fix salaries.--The town council is hereby authorized to fix the salaries of each of the members of the town council, members of boards or commissions, and all appointed officers. The salaries of the mayor, vice mayor, and council members shall not be changed during the term for which they were elected.

CHAPTER 4.

TOWN MANAGER.

§ 4.1. Appointment and qualifications.--There shall be a town manager, who shall be the executive officer of the town and shall be responsible to the town council for the proper administration of the town government. The town manager shall be appointed by the town council for an indefinite term, and shall serve at the pleasure of the town

council. The town manager shall be chosen solely on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office. At the time of the appointment the town manager need not be a resident of the town or the Commonwealth, but during the tenure of office shall reside within Clarke County.

§ 4.2. Duties.--It shall be the duty of the town manager to:

- (a) Attend all meetings of the town council, with the right to speak but not to vote.
- (b) Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem desirable.
- (c) Prepare and submit the annual budget to the town council and be responsible for its administration after its adoption.
- (d) Present adequate financial and activity reports as required by the town council.
- (e) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.
- (f) Be responsible for supervision of all town employees.
- (g) Perform such other duties as may be prescribed by this charter or required of the town manager in accordance therewith by the town council or which may be required of the chief executive officer of a town by the general laws of the Commonwealth, other than the duties conferred on the mayor by this charter.

§ 4.3. Powers as to town officers and employees.--All officers and employees of the town, except those appointed by the town council pursuant to this charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall advise the town council of each appointment or removal promptly

following any such appointment or removal.

§ 4.4. Temporary transfer of personnel between departments.--The town manager shall have power, whenever the interests of the town require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office, or agency to the temporary performance of duties in another department, bureau, office, or agency.

§ 4.5. Council not to interfere in appointments or removals; relationship with council.--Neither the town council nor any of its members, including the mayor and vice mayor, shall direct or request the appointment of any person to or removal from any office or employment by the town manager or by any subordinates or in any way take part in the appointment or for removal of officers and employees of the town, except as specifically provided in this charter. Except for the purpose of inquiry, the town council and its members shall deal with the administrative services solely through the town manager, and neither the town council nor any member thereof shall give orders, either publicly or privately, to any subordinate of the town manager.

§ 4.6. Relations with boards, commissions and agencies.--The town manager shall have the right to attend and participate in the proceedings of, but not vote in, the meetings of all boards, commissions, or agencies created by this charter or by ordinance and any other board or commission the town council may designate.

§ 4.7. Acting town manager.--The town council shall designate by resolution a person to act as town manager in case of the extended absence, incapacity, death, or resignation of the town manager, until the town manager's return to duty or the appointment of a successor.

CHAPTER 5.

APPOINTIVE OFFICERS.

§ 5.1. Appointment.--The town council may appoint the following officers of the town as they may deem necessary: town manager, assistant town manager for administration/treasurer, assistant town manager for community development/operations, and town attorney. Such officers shall be appointed for an indefinite term, and shall serve at the pleasure of the town council. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified by the town council.

§ 5.2. Deputies and assistants.--The town council may establish a deputy or assistant position for the appointive offices as the town council may deem necessary. The town manager shall appoint and supervise such deputies and assistants.

§ 5.3. Appointment of one person to more than one office.--The town council may appoint the same person to more than one appointive office, at the discretion of the town council.

CHAPTER 6

FINANCIAL PROVISIONS.

§ 6.1. Fiscal year.--The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following.

§ 6.2. Actions against town for damages, etc.

(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or any officer, agent, or employee thereof, unless written notice is given to the town

in accordance with Va. Code § 15.2-209.

(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs, water mains, water treatment plant, wastewater treatment plant, stormwater system, or other town facilities, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it is ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d) If the town, when not primarily liable, shall pay such judgment in whole or in part, the plaintiff shall, to the extent that such judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce such judgment or an action at law, or scire facias to revive such judgment.

(e) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent

injury that cannot be adequately compensated in damages.

(f) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town.

§ 6.3. Creation of debt; issuance of bonds.--The town council by a majority vote is authorized to cause the town to incur debt and to issue bonds, notes and other evidences of indebtedness for the purposes and in the manner set forth for towns in the Constitution of the Commonwealth of Virginia and the Public Finance Act Chapter 26 of Title 15.2 of the Code of Virginia, or any acts amendatory thereof or supplemental thereto.

CHAPTER 7.

MISCELLANEOUS.

§ 7.1. Elections governed by State law.--All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth.

§ 7.2. Bonds of officers and employees.--The town council may require all or any officers and employees of the town to give bond for the faithful and proper discharge of their duties. As used herein, the words "officers and employees" shall include officers and employees paid solely or partly by the town. The town shall pay the premium on such bonds from the town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the town as its interest may appear in event of breach of the conditions thereof.

§ 7.3. United States government employees.--No person, otherwise eligible, shall be disqualified by reason of his accepting or holding an office, post, trust, or emolument under the United States government, from serving as an officer or employee of the town, or as a member, officer, or employee of any board or commission.

§ 7.4. Acceptance of federal aid, contributions, etc.--The town shall have the

power to receive and accept from any federal agency grants of any kind for or in aid of the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The town may receive and accept aid or contributions from any source or money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made.

§ 7.5. Conflicts of interest; disclosures of interest.--The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with general law.

§ 7.6. Present officers to continue.--The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified.

§ 7.7. Ordinances continued in force.--All ordinances now in force in the town of Berryville, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the town council.

§ 7.8. Severability of provisions.--If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

AN ORDINANCE REPEALING AND RE-ADOPTING CHAPTERS 1, 2, AND 3 – GENERAL
PROVISIONS, ADMINISTRATION, AND ADVERTISING
OF THE CODE OF THE TOWN OF BERRYVILLE

BE IT ORDAINED, by the Council of the Town Of Berryville, that Chapters 1, 2, and 3 –
General Provisions, Administration, and Advertising, of the Code of the Town of
Berryville be repealed and re-adopted as attached.

I HEREBY CERTIFY THAT THE FOREGOING Ordinance was duly adopted by the Council of
the Town of Berryville in meeting assembled October 9, 2018 and will become effective
immediately.

Signed: _____
Patricia Dickinson, Mayor

Date: October 9, 2018

Attest: _____
Harry L. Arnold, Jr., Recorder

Date: October 9, 2018

Chapter 1. GENERAL PROVISIONS

Sec. 1-1. - How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as the "Code of the Town of Berryville, Virginia" and may be so cited. Such ordinances may also be cited as the "Berryville Town Code."

(Code 1971, § 1-1)

State Law reference— Authority of town to codify and recodify its ordinances, Code of Virginia, § 15.2-1433.

Sec. 1-2. - Definitions and rules of construction.

In the interpretation and construction of this Code and of all ordinances and resolutions of the town, the following rules of construction and definitions shall be observed, unless they are inconsistent with the manifest intent of the council or the context clearly requires otherwise:

And, or. "And" may be read as "or" and "or" may be read as "and," if the sense requires it.

Bond. When a bond is required, an undertaking in writing, with such surety, if any, as the council may direct, shall be sufficient.

Charter. The word "Charter" shall mean the Charter of the Town of Berryville, as amended.

Code. Whenever the term "Code" or "this Code" is used without further qualification, it shall mean the "Berryville Town Code," as designated in section 1-1.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day be Sunday or a legal holiday, that day shall be excluded.

Council. The term "council" or "town council" shall mean the council of the Town of Berryville, Virginia.

County. The word "county" shall mean the County of Clarke in the State of Virginia.

Following. The word "following," when used by way of reference to any section or subsection of this Code, shall be construed to mean next following that in which such reference is made.

Gender. A word importing the masculine gender only may extend and be applied to females and to firms, partnerships and corporations, as well as to males.

Health officer. The term "health officer" shall mean the public health officer of Clarke County or representative of the state board of health serving this county.

In the town. The words "in the town" or "within the town" shall mean any territory, jurisdiction of which, for the exercise of its regulatory power, has been conferred on the town by public or private law.

Month. The word "month" shall mean a calendar month.

Number. A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing, and a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath.

Occupant or tenant. The word "occupant" or "tenant," applied to a building or land, shall mean any person who holds a written or oral lease of, or actually occupies the whole or a part of, such building or land, either alone or with others.

Officers, boards, etc. Whenever reference is made to a particular officer, department, board, commission or other agency, without further qualification, it shall be construed as if followed by the words "of the Town of Berryville." Any reference to a specific officer shall include that officer's duly authorized deputies, assistants or other representatives, subject, however, to the provisions of section 15.2-1502 of the Code of Virginia.

Official time standard. Whenever particular hours are referred to, the time applicable shall be official standard time or daylight saving time, whichever may be in current use in the town.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Person. The word "person" shall include a firm, partnership, association of persons, corporation, organization or any other group acting as a unit.

Preceding. The word "preceding," when used by way of reference to any section or subsection of this Code, shall be construed to mean next preceding that in which such reference is made.

Property. The word "property" shall mean real, personal or mixed property.

Public grounds. The words "public grounds" shall mean the parks and all public lands owned by the town, and those parts of public places which do not form traveled parts of streets, as defined in this section.

Shall. The word "shall" shall be mandatory.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line, or the lateral lines of a roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

Section numbers. Whenever reference is made to a section by number only (e.g. "section 2-1") without further qualification, it shall be construed as referring to that section of this Code.

Signature; subscription. The words "signature" and "subscription" shall include a mark when the person cannot write, his name being written near it and being witnessed by a person who writes his own name as a witness.

State; commonwealth. The terms "the state," "the commonwealth," "this state" and "this commonwealth" shall be construed as if followed by the words "of Virginia."

State Code. References to the "State Code" or the "Code of Virginia" shall mean the Code of Virginia, 1950, as amended.

Street. The word "street" shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges, and the approaches thereto, and all other public thoroughfares in the town, and shall mean the

entire width thereof between abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the council.

Swear, sworn. The word "swear" or "sworn" shall be equivalent to the word "affirm" or "affirmed" in all cases in which, by law, an affirmation may be substituted for an oath.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The words "town," "the town" and "this town" shall mean the Town of Berryville, in the County of Clarke and State of Virginia.

Written; in writing. The words "written" and "in writing" shall include typewriting, printing on paper and any other mode of representing words, letters or figures.

Year. The word "year" shall mean a calendar year.

(Code 1971, § 1-5)

State Law reference— Similar definitions and rules of construction applicable to state law, Code of Virginia, § 1-200, et seq.

Sec. 1-3. - Headlines of sections.

The headlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and do not constitute part of the section adopted by council.

(Code 1971, § 1-4)

State Law reference— Similar provisions as to sections of state code, Code of Virginia, § 1-

Sec. 1-4. - Severability of parts of Code.

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1971, § 1-3)

Sec. 1-5. - Provisions of Code considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same in substance as those of the 1971 Berryville Town Code and ordinances adopted subsequent to such Code and included herein, shall be considered as continuations thereof and not as new enactments.

(Code 1971, § 1-2)

Sec. 1-6. - Miscellaneous ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect:

- (1) Any ordinance promising or guaranteeing the payment of money by or for the town or authorizing the issuance of any bonds or any evidence of indebtedness;
- (2) Any ordinance authorizing or otherwise relating to any contract;
- (3) Any ordinance granting any franchise or right;
- (4) Any ordinance appropriating funds, levying or imposing taxes or relating to an annual budget or the salaries or compensation of officers and employees;
- (5) Any ordinance authorizing, providing for or otherwise relating to any public improvement;
- (6) Any ordinance making any assessment;

- (7) Any ordinance authorizing or otherwise relating to the sale or conveyance of town property;
- (8) Any zoning ordinance or ordinance regulating the subdivision of land; ⁽¹⁾
- (9) Any ordinance the purposes of which have been accomplished;
- (10) Any ordinance which is temporary, although general in effect; or
- (11) Any ordinance which is special, although permanent in effect;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Footnotes:

--- (1) ---

Cross reference— Zoning ordinance, App. A; subdivision ordinance, App. B.

Sec. 1-7. - Code and new ordinances do not affect prior offenses, rights, etc.

- (a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, or any prosecution, suit or proceeding pending or any judgment rendered, on or before the effective date of this Code.
- (b) No new ordinance shall be construed to repeal a former ordinance as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or punishment incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture or punishment so incurred, or any right accrued, or claim arising before the new ordinance takes effect, save only that the proceedings thereafter had shall conform, so far as practicable, to the ordinance in force at the time of such proceedings.

State Law reference— Similar provisions applicable to state statutes, Code of Virginia, § 1-239.

Sec. 1-8. - Repeal of ordinance not to revive former ordinance.

When any ordinance which has repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

State Law reference— Similar provisions applicable to state statutes, Code of Virginia, § 1-240.

Sec. 1-9. - Supplementation of Code.

- (a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the council. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been replaced shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
 - (1) . Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate headlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code);
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

State Law reference— Authority to supplement Code, Code of Virginia, § 15.2-1433.

Sec. 1-10. - Copies of Code and supplements to be available for public inspection.

A copy of this Code and every supplement thereto shall be kept in the office of the town clerk and shall there be available for public inspection, during normal business hours. Also, this Code shall be accessible through the town website.

State Law reference— Similar provisions, Code of Virginia, § 15.2-1433.

Sec. 1-11. - Classification of and penalties for violations; continuing violations.

- (a) Whenever in this Code or any other ordinance of the town or any rule or regulation promulgated by any officer or agency of the town, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a Class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as follows:

- (1) *Class 1 misdemeanor*: By a fine of not more than two thousand five hundred dollars (\$2,500.00), or by confinement in jail for not more than twelve (12) months, or by both such fine and confinement.
 - (2) *Class 2 misdemeanor*: By a fine of not more than one thousand dollars (\$1,000.00) or by confinement in jail for not more than six (6) months, or by both such fine and confinement.
 - (3) *Class 3 misdemeanor*: By a fine of not more than five hundred dollars (\$500.00).
 - (4) *Class 4 misdemeanor*: By a fine of not more than two hundred fifty dollars (\$250.00).
- (b) Whenever in any provisions of this Code or in any other ordinance of the town or any rule or regulation promulgated by an officer or agency of the town, under authority duly vested in such officer or agency, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a Class 1 misdemeanor and be punished as prescribed in subsection (a)(1) above.
- (c) Notwithstanding any other provision of this section or any other section of this Code, no penalty for a violation of this Code or other ordinance, rule or regulation of the town shall exceed that prescribed by general law of the state for a like offense.
- (d) Each day any violation of this Code or any other ordinance, rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.

(Code 1971, § Art. 6-1; Ord. of 12-11-90; Ord. of 4-9-91)

State Law reference— Classification of misdemeanors and punishment therefor, Code of Virginia, §§ 18.2-9, 18.2-11; authority of town to provide penalties for violation of ordinances and provisions similar to subsection (c) above, § 15.2-1429; authority of court trying case, upon

conviction, to require bond conditioned that the person convicted will not violate the ordinance for the breach of which he was convicted for a period of not more than one year, § 15.2-1430; injunctive relief for continuing violations of ordinances, § 15.2-1432.

Sec. 1-12. - Installment, conditional, etc., payment of fines—Generally.

- (a) Whenever a defendant is convicted of a violation of any provision of this Code or other ordinance of the town, or found not innocent in the case of a juvenile, and is sentenced to pay a fine, and if the defendant does not pay the fine forthwith or by a date certain established by the court, the court, on its own motion or on motion of the defendant, may order the defendant to pay such fine and any costs which the defendant may be required to pay in installments or upon such other terms and conditions or within such period of time as may enable the defendant to pay such fine and costs. In determining whether to make such order, the court may require the defendant to file a petition, under oath, with the court, upon a form provided by the court, setting forth the financial condition of the defendant.
- (b) The form referred to in subsection (a) above shall be a questionnaire, and shall include, but shall not be limited to: The name and residence of the defendant; his occupation, if any; his family status and the number of persons dependent upon him; his monthly income; whether or not his dependents are employed and, if so, their approximate monthly income; his banking accounts, if any; real estate owned by the defendant, or any interest he may have in real estate, and income produced therefrom; any independent income accruing to the defendant; tangible and intangible personal property owned by the defendant, or in which he may have an interest; and a statement listing the approximate indebtedness of the defendant to other persons. Such form shall also include a payment plan of the defendant, if the court should exercise its discretion in permitting the payment of such fine and costs in installments or other conditions to be fixed by the court. At the end of such form there shall be printed in bold face type, in a distinctive color, the following: THIS STATEMENT IS MADE UNDER OATH. ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTION CONTAINED HEREIN SHALL CONSTITUTE PERJURY UNDER THE PROVISIONS OF SECTION 18.2-434 OF

THE CODE OF VIRGINIA. THE MAXIMUM PENALTY FOR PERJURY IS CONFINEMENT IN THE PENITENTIARY FOR A PERIOD OF TEN YEARS. A copy of the petition shall be retained by the defendant.

- (c) If the defendant is unable to read or write, the court or the clerk may assist the defendant in completing the petition referred to in this section and require him to affix his mark thereto. The consequences of the making of a false statement shall be explained to such defendant.

(Code 1971, §§ 6-2, 6-3)

State Law reference— Similar provisions, Code of Virginia, §§ 19.2-354, 19.2-355.

Sec. 1-13. - Same—Payment as condition of probation or suspension of sentence.

If a defendant is sentenced to pay a fine and payment of the fine or fine and costs is ordered to be made on an installment basis or on other conditions under the provisions of section 1-12, and if the defendant is also placed on probation or imposition of the execution of sentence is suspended, the court may make payment of the fine pursuant to such order a condition of probation or suspension of sentence.

(Code 1971, § 6-4)

State Law reference— Similar provisions, Code of Virginia, § 19.2-356.

Sec. 1-14. - Same—Defendant may be required to be of peace and good behavior pending payment.

If a defendant is permitted to pay a fine or fine and costs on an installment basis or under such other conditions as the court shall fix under the provisions of section 1-12, the court may require, as a condition, that the defendant be of peace and good behavior until the fine and costs are paid.

(Code 1971, § 6-5)

State Law reference— Similar provisions, Code of Virginia, § 19.2-357.

Sec. 1-15. - Same—Procedure on default.

- (a) When a person sentenced to pay a fine defaults in the payment of the fine or an installment, the court, upon the motion of the Commonwealth or upon its own motion, may require him to show cause why he should not be imprisoned or fined for nonpayment.
- (b) Following an order to show cause under this section, unless the defendant shows that his default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, the court may order the defendant imprisoned as for a contempt for a term not to exceed sixty (60) days or impose a fine not to exceed five hundred dollars (\$500.00). The court may provide in its order that payment or satisfaction of the fine in default at any time will entitle the defendant to his release from such imprisonment or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such fine.
- (c) If it appears that the default is excusable under the standards set forth in subsection (b) hereof, the court may enter an order allowing the defendant additional time for payment, reducing the amount of the fine or of each installment, or remitting the unpaid portion, in whole or in part.
- (d) Nothing in this section shall be deemed to alter or interfere with employment, for collection of fines, of any means authorized for the enforcement of money judgments rendered in favor of the town.

(Code 1971, § 6-6)

State Law reference— Similar provisions, Code of Virginia, § 19.2-358.

Chapter 2 - ADMINISTRATION

ARTICLE I. - IN GENERAL

Sec. 2-1. - Town manager to exercise control over town departments and offices.

The town manager shall exercise general control over all departments and offices of the town not inconsistent with the provisions of the Charter and other provisions of this Code.

(Ord. of 11-10-81, § 2-27)

Charter reference— Charter reference—Town manager, Ch. 4.

Sec. 2-1.1 – Town Clerk.

A town clerk shall be appointed by the town manager, and shall keep the minutes of the proceedings of the town council, shall have charge of and preserve the records of the town, and shall perform such other duties as assigned by the town manager.

Sec. 2-1.2. - Criminal background checks by town manager.

The town council determines that, in the interest of public welfare or safety, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with their employment by the town. To this end, the town manager shall conduct an investigation of applicants for employment with the town to obtain their criminal history record information. The town manager shall conduct this investigation prior to the town's making a final offer of employment to an applicant. If the results of the investigation reveal that the applicant's record would not be compatible with the nature of the public employment, the town manager may decide not to hire the applicant or may revoke any conditional offer made.

(Ord. of 12-14-99)

State Law reference— Code of Virginia § 19.2-389(A)(7).

Sec. 2-2. - Conduct of town officers and employees generally.

Town officers and employees shall be courteous in their official transactions with the public, and they shall conduct themselves in the performance of their official duties so as to not knowingly deprive any person, at the time and under the circumstances then and there existing, of any lawful right or benefit to which such person may be entitled. Any person who feels aggrieved by the conduct of any town officer or employee in violation of this section may bring such matter to the attention of such officer's or employee's department head or the town manager, without prejudice to any other recourse to which such aggrieved person may be entitled.

Cross reference— Penalty for Class 1 misdemeanor, § 1-11.

Sec. 2-4. - Resisting, etc., town officers and employees.

It shall be unlawful and a Class 1 misdemeanor for any person to resist, intimidate or interfere with, or to attempt to resist, intimidate or interfere with, any police officer, firefighter, EMS personnel, or other officer or employee of the town in the performance of their duties.

(Code 1971, § 13-24)

Cross reference— Penalty for Class 1 misdemeanor, § 1-11.

Sec. 2-5. - Impersonation of town officer or employee.

(a) No person shall falsely represent himself to be an officer or employee of the town or, without proper authority, wear or display any uniform, insignia or credential which identifies any town officer or employee; nor shall any person, without proper authority, assume to act as an officer or employee of

the town, whether to gain access to premises, obtain information, perpetrate a fraud or for any other purpose; provided, that nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committed in his presence.

(b) A violation of this section shall constitute a Class 1 misdemeanor.

Cross reference— Penalty for Class 1 misdemeanor, § 1-11.

State Law reference— Impersonating officer, Code of Virginia, § 18.2-174; unlawful wearing of officer's uniform or insignia, § 18.2-175.

Sec. 2-6. - Disbursement of town funds.

Disbursements of town funds shall be approved or signed by either the town treasurer or town manager and, except for payroll disbursements, shall be approved or cosigned by either the mayor or (i) the recorder until July 1, 2022 or (ii) the vice mayor on or after July 1, 2022.

(Code 1971, § 2-4; Ord. of 7-11-06(1))

Sec. 2-7. - Fee for passing bad check to town.

There is hereby imposed, and there shall be collected, a fee approved by council for the uttering, publishing or passing of any check or draft, for payment of taxes or any other sums due the town, which is subsequently returned for insufficient funds or because there is no account or the account has been closed.

State Law reference— Authority for above section, Code of Virginia, § 15.2-106

Sec. 2-8. - Parts of official safety program designated.

The John H. Enders Fire Company, Inc., its Rescue Squad and their membership and the Berryville Police Department and its membership are hereby declared to be an integral part of the official safety program of the town.

(Ord. of 3-12-73)

Editor's note— The above section was adopted pursuant to the Line of Duty Act, § 9-400, et seq. of the Code of Virginia.

[Note: move (a) to Employee Handbook]

Secs. 2-9—2-18. - Reserved.

ARTICLE II. - THE COUNCIL¹¹

Footnotes:

--- (1) ---

Charter reference— Council generally, Chapter 3.

Cross reference— Disrupting meeting of council, § 13-11.

Sec. 2-19. - Standing committees.

- a) There shall be such standing committees of the council as are provided by the council. Members of such committees shall be appointed by the mayor.
- b) The council may amend committee appointments.
- c) Such committees shall have such powers and duties as are prescribed by council, not inconsistent with the Charter.

(Ord. of 04-11-17(2))

Sec. 2-20. - Meetings.

The regular meetings of the town council are set for the second Tuesday of each month at 7:30 p.m. When any regular meeting falls on a legal holiday, such regular meeting shall then be held upon the next Tuesday following. Regular meetings of council may be cancelled by, and special meetings may be called by, the mayor or three members of the town council.

(Code 1971, § 2-6)

Charter reference— § 3.13.

Sec. 2-21. - Rules of procedure.

The council shall establish its own rules of procedure. Except as otherwise provided in such rules, the proceedings of the council shall be governed by the current edition of Robert's Rules of Order.

(Code 1971, § 2-11)

Charter reference— Council to establish rules of procedure, § 3.15.

Sec. 2-22. - Procedure for adoption and effective date of ordinances and resolutions.

An ordinance or resolution of the council may be introduced and adopted or rejected at any particular meeting of the council. A full reading of the ordinance or resolution shall not be required prior to adoption. If the ordinance or resolution before the council is adopted, such ordinance or resolution shall become effective at such time as may be specified therein, but if no time is so specified, such ordinance or resolution shall become effective immediately.

(Code 1971, § 2-10)

Secs. 2-23—2-28. - Reserved.

ARTICLE III. - ADMINISTRATION DEPARTMENT

Sec. 2-29. - Established.

There is hereby established, in and for the town, an administration department.

Sec. 2-30. -- Responsibilities.

The department shall be responsible for the billing and collection of taxes, fees, etc.; finance and accounting functions; purchasing and procurement functions; and human resource functions. The department shall be responsible for the efficient operation of the functions listed above. The department shall perform other duties as may be assigned by the town manager.

Section 2-31. -- Assistant Town Manager for Administration/Treasurer.

The department shall be under the supervision and control of assistant town manager for administration/treasurer.

Sec. 2-33. -- Town Treasurer.

The assistant town manager for administration/treasurer shall be the town treasurer.

Footnotes:

--- (2) ---

Charter reference— Appointment of town treasurer, § 5.1.

Sec. 2-33. -- Absence of Assistant Town Manager for Administration/Treasurer.

In the absence of the town treasurer or in the event of a vacancy in the position of town treasurer, the town manager shall perform the duties of the town treasurer and shall serve as the town treasurer.

Sec. 2-34 – Absence of Town Manager and Assistant Town Manager for Community Development/Operations.

In the absence of the town manager and the assistant town manager for community development/operations, the assistant town manager for administration/treasurer shall perform the duties of the town manager.

Sec. 2-35. - Bond.

Before entering upon the duties of the office, the treasurer shall execute a bond, the premium for which shall be paid by the town, with surety approved by the council in a penal sum established by council, conditioned upon the faithful performance of the duties of the office, for the proper collection of and accounting for all money which shall come into the treasurer's hands or which it shall be his or her duty to collect and for the payment of all money by the treasurer, or proper order of the council, to those entitled to receive the same.

(Code 1971, § 2-16)

Charter reference— Authority of council to require bond, § 7.2.

Sec. 2-36. - Duty to receive and deposit funds.

The treasurer shall receive all taxes, license taxes, assessments and other money, revenues and funds belonging to the town and deposit the same in such bank as the treasurer may deem proper and with the approval of council. (Code 1971, § 2-17)

Cross reference— Licenses, Ch. 9; taxation, Ch. 16.

Sec. 2-37. - Remedies available for collecting funds.

For the purpose of collecting taxes, license taxes, assessments and other money, revenues and funds due the town, the treasurer shall have the right of distress, levy, attachment, and all other remedies provided by general law.

(Code 1971, § 2-18)

Sec. 2-38. - General method of keeping books and records.

The treasurer shall keep the books and records so that all receipts and disbursements and the source and character of the same shall appear and a true and accurate understanding of the financial affairs and conditions of the town may be readily ascertained therefrom.

(Code 1971, § 2-20)

Sec. 2-39. - Bank and check books; checks and vouchers.

The treasurer shall keep the bank books and check books so that such books will accurately reflect the state of the accounts. Each check shall be drawn payable to the order of the person for whose benefit it is drawn and shall contain a notation on its face which will indicate the purpose for which it is drawn. All checks and vouchers shall be carefully preserved.

(Code 1971, § 2-19)

Sec. 2-40. - Inspection of books and records.

All of the treasurer's books and records shall be open at any time to inspection by any member of the council or such persons as the council may direct.

(Code 1971, § 2-21)

Sec. 2-41. - Annual audit and report.

An audit of the books of the treasurer shall be made annually by a certified public accountant approved by the council and assisted by the treasurer, and a report of such audit shall be made to the council as soon as possible. Such report shall also indicate the amount of uncollected assets of the town in the hands of the treasurer for collection.

(Code 1971, § 2-22)

Charter reference— Town manager to arrange for annual audit, § 4.2(e).

(Code 1971, § 2-23)

Secs. 2-42—2-51. - Reserved.

ARTICLE IV. - PUBLIC WORKS DEPARTMENT

Sec. 2-52. - Established.

There is hereby established, in and for the town, a public works department.

Sec. 2-53. - Responsibilities.

The department shall be responsible for the maintenance of the water distribution system (excluding pumping facilities), sewer collection system, town-maintained streets and sidewalks, town-owned property (excluding properties under the control of the public utilities department) as well as snow removal and collection of yard and other waste as provided in the code. The department shall be responsible for the efficient operation of the facilities and functions listed above. The department shall perform other duties as may be assigned by the town manager.

(Ord. of 11-10-81, § 2-26)

Cross reference— Refuse collection, § Chapter 8, Article II; streets and sidewalks, Ch. 15; water and sewers, Ch. 17.

Sec. 2-54. - Public Works Director.

The public works department shall be under the immediate supervision of the public works director, who shall be appointed by, and may be removed by, and shall be responsible to, the town manager; provided, however, that such appointment or removal shall be made by the town manager only after consultation with the council.

(Ord. of 11-10-81, § 2-27)

Secs. 2-55---2-61. - Reserved.

ARTICLE V. - PUBLIC UTILITIES DEPARTMENT

Sec. 2-62. -- Established.

There is hereby established, in and for the town, a public utilities department.

Sec. 2-63. -- Responsibilities.

The department shall be responsible for the operation and maintenance of the following facilities: water treatment, water distribution system, pumping facilities, water storage structures, and wastewater treatment and discharge. The department shall be responsible for the efficient operation of the facilities and functions listed above. The department shall perform other duties as may be assigned by the town manager.

Sec. 2-64. -- Public Utilities Director.

The department shall be under the supervision and control of the public utilities director, who shall be appointed by, and may be removed by, and shall be responsible to, the town manager; provided, however, that such appointment or removal shall be made by the town manager only after consultation with the council.

ARTICLE VI. - POLICE DEPARTMENT³¹

Footnotes:

--- (3) ---

State Law reference— Authority of council to preserve peace and good order, Code of Virginia, § 15.2-1700; general powers and duties of local police force, § 15.2-1704.

Sec. 2-65. - Established; composition.

There is hereby established, in and for the town, a police department:

Sec. 2-65.1. - Responsibilities.

The police department is responsible for the prevention and detection of crime, the apprehension of criminals, the safeguard of life and property, the preservation of peace and enforcement of state and local laws, regulations, and ordinances.

The police department shall be under the control of the town manager for the purpose of preserving and enforcing peace and order, for the execution of the laws of the state and this Code and other ordinances of the town, and the performance of such other duties as the town manager may prescribe.

Sec. 2-66. - Chief of Police.

The department shall be under the supervision of the chief of police, who shall be appointed by, and may be removed by, and shall be responsible to, the town manager; provided, however, that such appointment or removal shall be made by the town manager only after consultation with the council.

(Code 1971, § 2-24)

Sec. 2-67. - Powers and duties of chief.

The chief of police shall be the administrative head of the police department. It shall be the duty of the chief of police to enforce the provisions of this Code and other ordinances of the town. In addition, the chief of police shall have such powers and duties as are prescribed for the chief by state law and town ordinances.

The chief of police shall be the chief executive of the police department, but shall always be subject to the orders and regulations of the town manager. The chief of police shall be under the control of the town manager for the purpose of preserving and enforcing peace and order and executing the laws of the state and ordinances of the town, and it shall be the duty of the police force to respect and obey orders of the chief not in conflict with law or department regulations.

The department shall be responsible for the efficient operation of the facilities and functions listed above. The department shall perform other duties as may be assigned by the town manager.

(Code 1971, § 2-25)

Sec. 2-68. - Disposal of unclaimed property in possession of police.

Any personal property which has been in the possession of the police department and unclaimed for a period of more than sixty (60) days may be (i) sold at public sale in accordance with the provisions of § 15.2-1719, Code of Virginia, 1950, as amended, or (ii) retained for use by the police department. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a police officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Sec. 55-210.1, Code of Virginia, et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with § 15.2-1720, Code of Virginia. Unclaimed firearms may also be disposed of in accordance with § 15.2-1721, Code of Virginia.

Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the chief of police, or his duly authorized agents, shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the locality once a week for two (2) successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the police department, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The chief of police, or his duly authorized agents, shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by chief of police or his agent for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the police department shall become the property of the town and shall be retained only if, in the opinion of the chief of police, there is a legitimate use for the property by the police department and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within sixty (60) days of the sale, the remaining funds shall be deposited in the general fund of the town and the retained property may be placed into use by the police department. Any such owner shall be entitled to apply to the locality within three (3) years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the town shall pay the remaining proceeds

of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three (3) years from the date of the sale.

(Ord. of 5-12-98)

State Law reference— Code of Virginia § 15.2-1719

Sec. 2-69. - Auxiliary police officers.

- (a) The chief of police, with the approval of the town manager, is hereby authorized to appoint auxiliary police officers as he deems necessary.
- (b) The chief of police, with the approval of the town manager, shall establish rules and regulations concerning the operation of the auxiliary police officers, including their uniforms, equipment, and training.
- (c) People appointed as auxiliary police officers shall be of good character. Their appointment shall be revocable at any time by the chief of police or the town manager.
- (d) The auxiliary police officers may be called into service as deemed necessary by the chief of police, or by the town manager. Said auxiliary may also be called into service at such times as there are insufficient numbers of regular police officers to preserve the peace, safety and good order of the town and at any time for the purpose of training.
- (e) Only those who have met the training requirements established by the Department of Criminal Justice Services pursuant to § 9.1-102(11) of the Code of Virginia, as amended, or its successor statute, shall have all the powers and authorities and immunities of constables at common law and shall have all the power and authority and immunities of full-time law enforcement officers.
- (f) Auxiliary police officers shall wear the prescribed uniform established by department general orders when called into service.
- (g) People appointed as auxiliary police officer shall serve without compensation.

- (h) People appointed as auxiliary police officers may not engage in employment which may occasionally require the use of their police powers in the performance of such employment unless such employment is specifically approved by the town manager.

(Ord. of 5-10-11)

State Law reference-Code of Virginia § 15.2-1731 et seq.

Secs. 2-70—2-74. - Reserved.

ARTICLE VII. — PLANNING DEPARTMENT

Sec. 2-75. - Established.

There is hereby established, in and for the town, a planning department.

Sec. 2-76. — Responsibilities.

The department shall be responsible for community and economic development functions of the town. Such functions include, without limitation, the administration and enforcement of land use planning, zoning, subdivision, stormwater control and management, flood plain management, and erosion and sedimentation control ordinances and regulations; as well as business retention and attraction. The department shall be responsible for the efficient operation of the facilities and functions listed above. The department shall perform other duties as may be assigned by the town manager.

Sec. 2-77. – Assistant Town Manager for Community Development/Operations.

The department shall be under the supervision and control of the assistant town manager for community development/operations.

Sec. 2-77.1. – Zoning Administrator and Subdivision Agent.

The assistant town manager for community development/operations shall be the zoning administrator and subdivision agent.

Sec. 2-77.2 – Absence of Town Manager for Community Development/Operations.

In the absence of the assistant town manager for community development/operations or in the event of a vacancy in the position of assistant town manager for community development/operations, the town manager shall perform the duties of the assistant town manager for community development/operations and shall serve as zoning administrator and subdivision agent.

Sec. 2-77.3 – Absence of Town Manager.

In the absence of the town manager, the assistant town manager for community development/operations shall perform the duties of the town manager.

ARTICLE VIII. - PLANNING COMMISSION⁴¹

Footnotes:

--- (4) ---

Cross reference— Zoning ordinance, App. A; subdivision ordinance, App. B.

State Law reference— Local planning commissions, Code of Virginia, § 15.2-2210, et seq.

Sec. 2-78. - Created.

A planning commission is hereby created for the town.

(Code 1971, § 14-1)

State Law reference— Duty to create planning commission, Code of Virginia, § 15.2-2210.

Sec. 2-79. - Composition; qualifications of members.

The planning commission shall consist of not less than five (5) nor more than nine (9) members, as may be determined from time to time by the council, all of whom shall be residents of the town, qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half (½) of the members shall be freeholders. One member may be a member of the town council.

(Code 1971, §. 14-2; Ord. of 12-11-79)

State Law reference— Code of Virginia, § 15.2-2212.

Sec. 2-80. - Appointment of members.

All members of the planning commission shall be appointed by the council.

(Code 1971, § 14-3)

State Law reference— Code of Virginia, § 15.2-2212.

Sec. 2-81. - Term of members; filling of vacancies.

- (a) The term of the council member of the planning commission shall be coextensive with the term of office to which the member has been elected or appointed, unless the council, at the first regular meeting of any year, appoints another to serve as its representative. (b) Any vacancy in the membership of the planning commission shall be filled by appointment by the council and such appointment shall be for the unexpired term.

(Code 1971, §§ 14-4, 14-5; Ord. of 12-11-79)

State Law reference— Code of Virginia, § 15.2-2212.

Sec. 2-82. - Reserved.

Editor's note— An ordinance adopted June 12, 1990, repealed former § 2-82, relative to members of the planning commission serving without compensation, which derived from Code 1971, § 14-7.

Sec. 2-83. - Removal of members.

Members of the planning commission may be removed, for malfeasance in office, by the council.

(Code 1971, § 14-6; Ord. of 12-11-79)

State Law reference— Code of Virginia, § 15.2-2212.

Sec. 2-84. - Powers, duties and functions.

The planning commission shall have the functions, powers, and duties which are prescribed for it by state law or by ordinance of the town.

(Code 1971, § 14-8)

Chapter 3 - ADVERTISING

Sec. 3-1. - Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 3 misdemeanor.

Cross reference— Penalty for Class 3 misdemeanor, § 1-11.

Sec. 3-2. - Posting advertising matter on buildings, poles, etc.

It shall be unlawful for any person to post, stick, fasten or otherwise attach any card, poster or advertisement upon or to any building, premise, wall, fence, post or pole, without having first secured the permission of the owner of such building, premise, wall, fence, post or pole.

(Code 1971, § 3-1)

Sec. 3-3. - Unauthorized removal, alteration, etc., of advertising matter.

It shall be unlawful for any person to tear down or otherwise remove or alter, mutilate or deface any advertisement or poster put up with the consent of the owner of the property whereupon the same is posted, without the consent of the person responsible for such advertisement or poster or the owner of such property.

(Code 1971, § 3-2)

AN ORDINANCE ESTABLISHING BONDING REQUIREMENTS FOR CERTAIN TOWN
EMPLOYEES IN ACCORDANCE WITH SECTIONS 2.35 AND 2.33 OF THE CODE OF THE
TOWN OF BERRYVILLE

BE IT ORDAINED, by the Council of the Town Of Berryville, establishes a minimum bonding requirement of \$200,000 each for the Treasurer and Town Manager, in accordance with Sections 2.35 and 2.33 the Code of the Town of Berryville.

I HEREBY CERTIFY THAT THE FOREGOING Ordinance was duly adopted by the Council of the Town of Berryville in meeting assembled October 9, 2018 and will become effective immediately.

Signed: _____
Patricia Dickinson, Mayor

Date: October 9, 2018

Attest: _____
Harry L. Arnold, Jr., Recorder

Date: October 9, 2018

AN ORDINANCE ESTABLISHING A RETURNED CHECK FEE IN ACCORDANCE WITH SECTION
2.7 OF THE CODE OF THE TOWN OF BERRYVILLE

BE IT ORDAINED, by the Council of the Town Of Berryville, establishes a returned check fee of \$50.00, in accordance with Sections 2.7 of the Code of the Town of Berryville.

I HEREBY CERTIFY THAT THE FOREGOING Ordinance was duly adopted by the Council of the Town of Berryville in meeting assembled October 9, 2018 and will become effective immediately.

Signed: _____
Patricia Dickinson, Mayor

Date: October 9, 2018

Attest: _____
Harry L. Arnold, Jr., Recorder

Date: October 9, 2018

Bank Account Policy

Effective Date:

Bank Account Policy

Policy Statement

This policy sets certain requirements for opening, closing, updating, and maintaining Town of Berryville bank accounts. For purposes of this policy, "Town bank accounts" mean any bank account opened by or for the Town or any of its departments.

Reasons for the Policy

The purpose of this policy is to establish adequate control procedures over Town assets and minimize the Town's risk of financial loss.

Responsible Town Department

The Finance & Administration Department

Who is Governed by this Policy

Each individual or department that require and utilize Town bank accounts should review and understand this policy.

Scope

In accordance with the Town's policies, bank accounts may only be opened and closed by the authorization of the Town Council after review and recommendation of the Budget and Finance Committee. This condition applies to all Town bank accounts as defined above, regardless of how the accounts are named.

Policy

A Town of Berryville bank account can only be used for legitimate and allowable revenue and/or expense activities of the Town. Proposals for new bank accounts must be submitted by Town Departments to the Treasurer's office and the ultimate decision to open a bank account is at the discretion of the Town Council. All Town bank accounts must have the Town of Berryville's Employer Identification Number (EIN, and either the name "Town of Berryville" or the name of the Town department in the account title.

Choosing a Bank

Wherever possible, it is important to open and maintain bank accounts with entities that have well established Town banking relationships. The Town has relationships with both local banks (Bank of Clarke County and BB&T).

Opening Bank Accounts

Contact the Treasurer's office to open a bank account.

The following information is required prior to opening a new Town bank account:

1. Account Specifications:

- Town's Employers Identification Number (EIN)
- Account Name
- Purpose of Account
- Type of Account (receipts only, receipts and disbursements, internally funded project expense account, other)
- Source of funding

2. Suggested bank, address and contact information. (Once the selection of the bank is agreed with the Treasurer's office, additional bank account documentation may be required.)

3. Approval of Town Council after review and recommendation of the Budget and Finance Committee.

Signing of checks on town funds (Town Code Sec. 2-6)

Checks for duly authorized disbursements of town funds shall be signed by either the town treasurer or town manager and, except for payroll checks, cosigned by either the mayor or recorder.

Bank Account Reconciliation

Bank accounts must be reconciled monthly by the treasurer and available to be reviewed by council members at any time. The ending bank balance on the bank statement must be reconciled to the bank balance in the Town of Berryville General Ledger.

Updating Bank Accounts

Contact the Treasurer's office to update a bank account.

1. The business purpose for the update
2. Approval of Town Council after review and recommendation of the Budget and Finance Committee.
3. The Budget and Finance Committee will review and confirm all bank account every two years.

Updates to bank accounts may include:

- Shift in purpose or type of account
- Account name change
- Address change
- Local bank communication relevant to bank procedures and/or systems

Closing Bank Accounts

Contact the Treasurer's office to close a bank account.

The following information is required:

1. The business purpose for the closure
2. Confirmation that the bank account has a \$0 balance
3. Confirmation that the Town of Berryville General Ledger account has a \$0 balance
4. Approval of Town Council after review and recommendation of the Budget and Finance Committee.

Reasons to close bank accounts may include:

- Unauthorized activity
- No activity/dormant account
- Change in business purpose or type of account

BERRYVILLE TOWN COUNCIL BUDGET AND FINANCE COMMITTEE

Berryville-Clarke County Government Center

MINUTES

August 23, 2018

A meeting of the Berryville Town Council Budget and Finance Committee was held on Thursday, August 23, 2018 at 10:30am in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Erecka Gibson, Chair; Pat Dickinson; Kara Rodriguez

Staff present: Keith Dalton, Town Manager; Desiree Moreland, Assistant Town Manager/Treasurer; Chief Neal White, Berryville Police Department

Press present: none

1. Call to Order

Chair Gibson called the meeting to order at 10:45am.

2. Approval of Agenda

The agenda was approved by Chair Gibson and Ms. Dickinson by consent.

3. Discussion – FY 2020 Budget Goals

The Committee discussed its list of budget goals and determined that it would provide a list of five goals to the Town Council as follows:

1. Complete a fixed assets inventory for areas not covered by the water and sewer study to be completed in FY19.
2. Develop Budget and Finance related policies for inclusion in a Town Council Policy Manual. It is expected that this work will continue through FY 2019 and into FY 2020.
3. Procure an auditing firm to perform a payroll system audit.
4. After purchase, installation, and integration of new budgeting software in FY 2019, improve upon budgeting and reporting functions.
5. Develop a five-year budget beginning in FY 2020.

Other ideas that were discussed included examination/review of revenues and planning for short-term budget windfalls to benefit areas such as economic development.

4. Discussion - Year-End Expenses – Process/Policy

Chair Gibson noted an email the Mayor Dickinson sent regarding a check presented just prior to year-end without proper documentation and asked the Treasurer for an explanation of the process used for year-end expenses and accruals.

The committee discussed end of year processing and the possible use of accruals to manage transactions that cross the fiscal year end. The Treasurer stated that, as part of the annual audit, the auditors review all transactions posted from July 1 through August 15 and then inform the treasurer which entries are to be moved to the prior reporting period. Committee members stated they were unfamiliar with this process. The Treasurer reported that it was a standard process and had been followed for many years. Mayor Dickinson suggested that the committee discuss the process with the auditors.

The committee discussed concerns regarding the same check being presented to Mayor Dickinson after year end with invoice(s) and an "OK to Pay" initialed but not released as task had not yet been completed. The committee was not aware the check was being held or that the task had not yet been completed. Ms. Dickinson said that she had signed the check with assurance that the subject work had been completed. Accordingly, she is not comfortable with the check being held. The committee agreed that the check should be voided. Ms. Moreland said the check would be voided.

Mayor Dickinson asked how checks that had a hand written note of "Hold for XXX" on them were handled. The Treasurer explained that there are occasions when a department head asks that a check be held so he or she can hand deliver the check to the vendor. The committee indicated they were not sure if this was an appropriate process and asked that the treasurer draft a check handling policy for the committee's consideration.

5. Discussion - Establishing Bank Accounts – Process/Policy

Committee members agreed to provide Ms. Moreland with comments on the draft policy.

6. Closed Session

There was no closed session.

7. Other

Committee members agreed to provide Ms. Moreland with comments on the Fourth Quarter Budget Analysis.

The Committee set their next meeting for September 27, 2018 at 10:30am.

8. Adjourn

There being no further business, the meeting was adjourned at 11:54am.

MINUTES
BERRYVILLE TOWN COUNCIL
BUDGET & FINANCE COMMITTEE
Berryville-Clarke County Government Center
September 27, 2018
10:30 a.m.

Town Council: Present: Erecka Gibson, Chair; Patricia Dickinson; Kara Rodriguez

Staff: Keith Dalton, Town Manager; Desiree Moreland, Treasurer; Heather Halterman, Finance Clerk

Press: Mickey Powell, The Winchester Star

1. Call to Order
The meeting was called to order at 10:32 a.m. by Committee Chair Gibson.
2. Approval of Agenda
Ms. Rodriguez made the motion to approve the amended agenda, seconded by Ms. Dickinson, the motion was approved by voice vote.
3. Discussion – On-line payment options
Ms. Halterman reviewed on-line payment options with the Committee.
The Committee discussed the advantages and disadvantages of the options presented. The Committee requested that staff provide transaction summary data to them at the next meeting. The summary data requested would include ACH, cash, check, and credit card transaction numbers.
4. Discussion – Minutes of 8/23/2018 Committee Meeting
The Committee discussed the draft minutes of the 8/23/2018 meeting and proposed amendments thereto. The Committee agreed to have Chair Gibson provide language to staff for addition to the draft minutes.
5. Discussion – Bank Account Policy
Ms. Moreland stated that the attached draft included changes requested to the version previously reviewed by the Committee. The Committee agreed to forward this policy to the Town Council. Ms. Dickinson stated that a wire transfer policy should be considered.
6. Discussion – Check Handling Policy
The Committee discussed the draft memorandum and agreed that a formal policy should be developed. The Committee provided guidance regarding the policy, including the development of a receipt form to be used when a check is hand-delivered. Staff was asked to develop a draft policy for review at the next Committee meeting.
7. Discussion – Frequency of requests to use contingency funds and other financial decisions outside of the normal budget process

Ms. Dickinson expressed concern about the numerous requests for more money the Council has been receiving. She noted that there was a request for funds to meet the additional costs of the ground reservoir work and the work on the sewer main in East Main Street. Ms. Dickinson questioned whether such requests are normal. The Committee discussed the matter. Chair Gibson noted that in the case of the use of contingency funds for computer work, the planned asset inventory would assist with planning.

8. Closed Session

No Closed Session Scheduled

9. Other

Ms. Moreland noted that she has a conflict with the next Committee meeting regular meeting date. The Committee set their next meeting for 18 October at 10:30 am.

10. Adjourn

There being no further business, Ms. Dickinson made a motion to adjourn the meeting, seconded by Ms. Rodriguez, the motion passed by voice vote at 12:27 p.m.

**MINUTES
BERRYVILLE TOWN COUNCIL
PUBLIC SAFETY COMMITTEE
Berryville-Clarke County Government Center
September 26, 2018
6:30 p.m.**

Committee members: Present - Donna McDonald, Chair; Patricia Dickinson, Diane Harrison

Staff: Keith Dalton, Town Manager; Neal White, Chief of Police

Press: Mickey Powell, The Winchester Star

1. **Call to Order**

The meeting was called to order at 6:30 p.m. by Committee Chair McDonald.

2. **Approval of Agenda**

Ms. Dickinson made the motion to approve the amended agenda, seconded by Ms. Harrison, the motion was approved by voice vote.

3. **Department Update**

The Committee and staff discussed the following topics:

- Need for Town Council to set Trick or Treating date and hours at next Town Council meeting
- Homecoming Parade went well
- Cruise-In went well – after action meeting to happen in near future
- Bluegrass Festival at fairgrounds – no issues
- E-Citation – nearly completed and soon to be fully implemented
- 4 of 6 department office computers replaced
- FY2020 budget items

4. **Town Code Review Update**

The Committee and staff discussed the following topics:

- Review of Chapter 20 of the Berryville Code
- Review of Chapter 8 of the Berryville Code
- Staff committed to retuning both draft code revisions to the Committee on 11/28/18

5. **Status Update**

Trash Collection – discussed in Item 4

6. **Closed Session**

No Closed Session Scheduled

7. **Other**

The Committee and staff discussed the following topics:

- Chief White hopes to have two officers attend the next bike patrol school the next time is offered
- Lighting concerns in the Battletown Townhome neighborhood
- Neighborhood watch in Battletown Townhome neighborhood

- Building maintenance code /rental property inspections

8. Adjourn

There being no further business, Ms. Dickinson made a motion to adjourn the meeting, seconded by Ms. Harrison, the motion passed by voice vote at 7:41 p.m.

BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
MINUTES
August 28, 2018

A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, August 28, 2018 at 10:30am in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Diane Harrison, Chair; Pat Dickinson

Staff present: Keith R. Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Rick Boor, Director of Public Works; David Tyrrell, Director of Utilities

Press present: Mickey Powell, Winchester Star

Chair Harrison called the meeting to order at 10:48am.

Approval of Agenda

The agenda was approved by consent.

Project Updates – Paving

Mr. Boor updated the Committee on paving projects stating that W-L Construction has completed work on Swan Avenue and Rosemont Circle.

Project Updates – Water Tank Maintenance

Mr. Dalton said the final phase on the exterior blasting and coating is underway on the three million gallon tank. He added that the welding had been completed and said that the northwest tank work will likely be in the spring.

Project Updates - I & I

Mr. Dalton said that he would like to move forward with an IFB for trenchless technology for infiltration and inflow projects. He said that a budget amendment would be required and identified East Main Street and Church Street as locations for this work to occur. Ms. Dickinson asked for an explanation of infiltration and inflow which he described. Mr. Dalton added that the trenchless work would be done at night and spot repairs during the day. The Committee agreed to request the budget amendment to full Council for approval.

Discussion – FY 2020 Budget Goals

Chair Harrison discussed the installation of water meters. Ms. Dickinson said she needed to see a full cost of the installation. Mr. Dalton said he is requesting a plan for meter replacement by 2022 in which the project is defined and cost estimates are refined. He added that water rates need to be discussed now in order to avoid increasing the rates significantly in 2022.

Mr. Dalton said he has been in contact with the consulting engineers to confirm the cost of the utility rate study and will let the Committee know when he hears from them. He added that the rate study will also include an asset inventory and create a new hydraulic model.

Ms. Dickinson discussed looking at storm water management to review the current state of the Town's system and develop a strategy. She said it was not just engineering but wanted to look at the granular concerns on individual lots. She discussed the investments at the Port of Virginia in Norfolk and that the railroad will be adding more cars to the trains which are causing 20-minute delays at crossings. She said there will also be additional truck traffic due to this effort.

Speeding Concerns

The Committee agreed to forward a resolution to request a VDOT traffic calming study to the Council in September.

Water and Sewer Bill Adjustment Policy

Chair Harrison expressed concern regarding the portion of the Water and Sewer Bill Adjustment Policy that provides for an appeal to Town Council. She stated that she would like the Committee to examine the section in total. She noted that the Council was in agreement with such appeals coming to the Committee.

Ms. Dickinson stated that she had several concerns about the Policy but she wants to review the results of the water and sewer rate study before going in to detail on the matter. She noted that she thinks there can be a means by which sewer charges would not apply to the filling of pools. Chair Harrison noted that such charges can be avoided by having water hauled in if you choose.

The Committee agreed to discuss the matter further after the water and sewer rate study is complete. The Committee also agreed to review water and sewer adjustment request appeals and provide a recommendation for the Council.

Storm Water Concerns

The Committee agreed to have a meeting in order to receive comment from property owners and residents regarding storm water concerns.

Ms. Dickinson noted that it is important to examine the matter fully and not assume that conditions, such as properties having sump pumps in their basements, must continue into the future. Chair Harrison noted that a comprehensive approach is needed.

The Committee agree to hold meeting on October 23, 2018 at which the public could provide input on this matter.

Future Capital Projects

Mr. Dalton reviewed a memorandum written to the Council on February 15, 2018. He noted that the memorandum was written to start a discussion on future needs and to underscore the need to adjust water rates soon if the projects in question are to be completed.

Mr. Dalton reviewed portion of the memorandum that covered VDOT's paving of Buckmarsh and Main Streets. He noted that any needed work that the Town can coordinate with VDOT, such as utility work, crosswalks, storm water improvements, and the like; in the window just before paving can result in significant savings by reducing asphalt patching costs. He recommended that the Council review this matter.

Ms. Dickinson stated that the Town needs to examine this matter comprehensively and needs to be looking at issues such as a U.S. Route 340 bypass and the shifting of on-street parking on Main Street to another location in order to permit significant enhancement to the downtown.

Next Meeting

The committee confirmed that its next meeting would be held on October 23, 2018 at 5:00 pm

Adjourn

There being no further business, the meeting was adjourned at 12.07 pm.

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
Monday, September 24, 2018

A meeting of the Berryville Town Council Community Development Committee was held on Monday, September 24, 2018 at 4:30pm in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Kara Rodriguez, Chair; Diane Harrison; Donna McDonald

Staff present: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner

Press present: None

Others present: None

Chair Rodriguez called the meeting to order at 4:30pm.

Approval of Agenda

The agenda was approved by consensus.

Updates

Hogan's Alley

Mr. Dalton said he has not discussed the project with Berryville Main Street (BMS) since the last meeting. He said he would like to update Town Council or Community Development Committee members once he speaks to BMS staff. There was a discussion about temporary installation of improvements in order to facilitate an October event that BMS had previously referenced. Committee members were in favor of a temporary installation. Mr. Dalton identified elements of the project that should be addressed including modifications to the sidewalk in front of the alley on Main Street; storm water improvements; possible replacement of the light pole; and bollard removal. He said he has begun drafting the narrative for a plaque to place in the alley in honor of Mr. Hogan.

Livery Stable

Mr. Dalton said he had no update and will continue to work on the project and assist BMS with the feasibility study grant.

Mr. Dalton reminded Committee members of budget requirements for playground improvements. He said that a base map of the park should be finalized by November. He reiterated that a discussion to identify CIP funding for the playground should be included in the FY 2020 budget process.

Discussion - Committee Charge

Chair Rodriguez said the draft Committee charge included in the packet was a starting point for discussion. She said Mrs. Dickinson offered comments that indicated too much of the Committee charge was geared to downtown and that it should include housing, medical facilities, and other items. There was a discussion about the importance of downtown and how a healthy downtown attracts businesses and residents while improving quality of life. Mr. Dalton said it was important for all of the committees to have similar language and structure. He added that a certain amount of overlap between committees would occur. There was a discussion on modifications to the draft Committee charge. Chair Rodriguez requested members to forward additional comments to Mr. Dalton for changes and distribution.

Discussion – Sidewalk Gap on Mosby

There was a discussion about a gap in the sidewalk on the north side of Mosby Boulevard adjacent to the grocery store parking lot. Ms. Harrison said with existing and new senior housing in the area, she felt that it was important to complete this section. There was a discussion about a comprehensive study of sidewalk gaps in the Town and funding options including VDOT Revenue Sharing. Committee members requested staff to begin a comprehensive identification of sidewalk gaps in the Town.

Other

Ms. McDonald discussed planting options in the median on Page Street. Committee members requested that Mr. Dalton determine existing conditions of the site (e.g., depth of soil, sight distance). There was a discussion about maintenance of the median and the need for an agreement between the Battletown HOA and the Town. Chair Rodriguez suggested including the Tree Board in this conversation.

There was a discussion about sending a letter to Mr. Echols for financial assistance for the sidewalk section on Mosby Boulevard but no letter has been sent.

Ms. Harrison discussed a shuttle between the fairgrounds to the downtown for large events at the fairgrounds.

There was a discussion about constituent meetings. Mr. Dalton said previous Council members have held such meetings in the past and recommended holding them at the Government Center. It was determined that these meetings should be scheduled in February and March with notification and a copy of the ward map included in water bills prior to the meetings.

There being no further discussion, the meeting was adjourned at 5:55pm.